

Attorney Docket No.: 03-MM-03 85.80038/006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Bateman et al.  
Serial No.: 10/734,055  
Filing Date: December 11, 2003  
Title: ION DETECTOR

Examiner: Johnnie L. Smith II  
Art Unit: 2881  
Confirmation No.: 8996

Mail Stop 313(c)  
Office of Petitions  
PO Box 1450  
Alexandria, VA 22313-1450

**Petition Under 37 CFR § 1.313(c) to Withdraw Application from Issue After  
Payment of the Issue Fee**

Dear Sir:

1. Applicants request withdrawal of the above-referenced application from issue for consideration of an IDS submitted on August 26, 2005 and received by the USPTO on August 29, 2005.
2. A Notice of Allowance was first mailed from the USPTO on February 14, 2005, and the Issue Fee Transmittal was returned and received by the USPTO on May 9, 2005.
3. Prior to issue, a Petition to Withdraw from Issue, an RCE, and a supplemental IDS were all mailed to the USPTO on May 25, 2005.
4. A second Notice of Allowance was mailed from the USPTO on August 9, 2005. The second Notice of Allowance credited the application for the issue fee received by the USPTO on May 9, 2005.
5. In response to receipt of an action from the German Patent Office in a German counterpart application, Applicants submitted the IDS of August 26, 2005 under 37 CFR § 1.97(d). At that time, Applicants did not submit a Petition to Withdraw from Issue.
6. Withdrawal of the application from issue is necessary for consideration of the RCE, submitted herewith, and the IDS submitted on August 26, 2005.
7. The Commissioner is authorized to charge the Petition fee of \$130, as set forth in 1.17(h), to Deposit Account No. 23-0503.

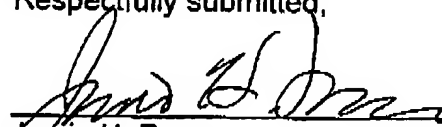
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8. The Request for Continued Examination (RCE) is enclosed herewith under 37 C.F.R. § 1.313(c)(2).

Reg. No. 45,054  
Customer No. 43840  
Tel. (508) 482-2714

November 7, 2005

Respectfully submitted,

  
\_\_\_\_\_  
Jamie H. Rose  
Attorney for Applicant(s)

PTO/SB/17p (11-04)

Approved for use through 07/31/2007, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
 (Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
 P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/734,055
Filing Date	December 11, 2003
First Named Inventor	Robert Harold Bateman
Art Unit	2881
Examiner Name	Johnnie L. Smith II
Attorney Docket Number	03-M-03 85,80038/006

Enclosed is a petition filed under 37 CFR 1.313(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.  
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 23-0503:  
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

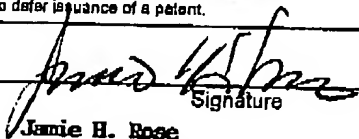
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.138(b) - for review of a request for extension of time when the provisions of section 1.138(a) are not available.
- § 1.206 - for review of refusal to publish a statutory invention registration.
- § 1.298 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.560(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.898 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.26 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

  
 Signature  
 Jamie H. Rose

Typed or printed name

November 7, 2005

Date

45,054

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.